

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 21-14035-CR-MARTINEZ/MAYNARD

UNITED STATES OF AMERICA

Plaintiff,
vs.
NICHOLAS AYALA,
Defendant.

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION ON CHANGE OF PLEA**

THIS CAUSE came before the Court upon the Order of Reference from the District Court to conduct a Change of Plea Hearing before a Magistrate Judge.

THE MATTER was heard in front of Magistrate Judge Shaniek M. Maynard on August 26, 2022 [DE: 147] at the request of the Defendant, the Defendant's Attorney, and the Assistant United States Attorney assigned to this case. A Report and Recommendation was filed on August 29, 2022, [DE: 156], recommending that the Defendant's plea of guilty be accepted. The Defendant and the Government were afforded the opportunity to file objections to the Report and Recommendation, however none were filed. The Court has conducted a de novo review of the entire file and after careful consideration, the Court affirms and adopts the Report and Recommendation. Accordingly, it is hereby:

ORDERED AND ADJUDGED that the Report and Recommendation [DE: 156] of United States Magistrate Judge Shaniek M. Maynard, is hereby **AFFIRMED** and **ADOPTED** in its entirety.

The Defendant is adjudged guilty of Count One, Two, Three and Four of the Superseding Indictment. Count One charges him with conspiracy, in violation of Title 18, United States Code, Section 371. Count Two charges the Defendant with dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A). Count Three charges the Defendant with smuggling firearms from the United States, in violation of Title 18, United States

Code, Section 554. Count Four charges the Defendant with delivery of a firearm to a common carrier without written notification, in violation of Title 18, United States Code, Section 922(e). The Defendant acknowledged that he understood the statutory penalties that apply in his case.

Sentencing has been set in this matter on **Monday, November 7, 2022 at 2:30 p.m.**, before the Honorable District Judge Jose E. Martinez, at the Alto Lee Adams, Sr. United States Courthouse, 101 South U.S. Highway 1, Ft. Pierce, Florida 34950.

DONE AND ORDERED in Chambers at Miami, Florida, this 13 day of September, 2022.


JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

cc:

Hon. Magistrate Shaniek Maynard
All Counsel of Record
U.S. Probation Office